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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,460	07/17/2000	Reiner Kraft	ARCP-2000-0116-US1	7835

28342 7590 01/21/2005

SAMUEL A. KASSATLY LAW OFFICE  
20690 VIEW OAKS WAY  
SAN JOSE, CA 95120

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/617,460	KRAFT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew Heneghan	2134	

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. In response to the previous office action, Applicant has amended claims 4, 14, 22, and 23 and added claim 25. Claims 1-25 have been examined.

#### ***Drawings***

2. In view of Applicant's amendments, all previous objections to the drawings are withdrawn.

#### ***Claim Objections***

3. Claim 23 is objected to because of the following informalities: the phrasing of the last limitation "permitting a browser from accessing" is confusing. It is being presumed that this should read as "permitting a browser to access."

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. In view of Applicant's amendments, all previous rejections under 35 U.S.C. 112 are withdrawn.

#### ***Claim Rejections - 35 USC § 101***

5. In view of Applicant's amendments, all previous rejections under 35 U.S.C. 101 are withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 2, 4, 5, 8-10, 12, 13, and 21 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,918,013 to Mighdoll et al.

Regarding claim 1, the transcoding proxy disclosed by Mighdoll is able to correct undesirable quirks (such as visibility to search engines) in web pages (see column 7, line 52 to column 8, line 3).

As per claims 2 and 10, the server may allow access to data only to subscribers (see column 14, line 54 to column 15, line 15).

As per claims 4, 11-13, and 24, the server can modify formats, necessitating structural changes, the repositioning of data, and the insertion of new data to conform to the new format (see column 7, lines 15 and 16).

As per claim 5, the correcting of bugs and undesirable effects in documents constitute changes in content (see column 7, lines 10-12).

As per claims 8, 9, and 21, the server can be used to modify forms in HTML documents (see column 8, lines 5-10).

7. Claims 1-3, 7, 19, and 21-23 are rejected are rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,195,698 to Lillibridge et al.

As per claims 1, 2, 7, 19, and 21, the system disclosed by Lillibridge includes the transforming of text characters into images in order to render data to be uninterpretable by a crawler (see abstract).

As per claims 3, 22, and 23, the riddles displayed are concurrently readable by a user while being impractical for a search engine to read (see column 4, line 45 to column 6, line 16).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4, 5, 8-10, 12, 13, and 21 are rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,918,013 to Mighdoll et al. in view of in view of U.S. Patent No. 6,195,698 to Lillibridge et al.

This rejection is similar to the rejection under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,918,013 to Mighdoll et al. Since it is not certain as to whether visibility to a crawler could be considered a "quirk," this rejection combines a reference that would make it so.

Regarding claim 1, the transcoding proxy disclosed by Mighdoll is able to correct undesirable quirks in web pages (see column 7, line 52 to column 8, line 3).

Mighdoll does not explicitly state that visibility to crawlers constitute such "quirks."

Lillibridge discloses a system for restricting computer system access and states that it is desirable to restrict access requests from automated agents (see abstract).

Therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Mighdoll by defining crawler

accessibility as a "quirk," as disclosed by Lillibridge, as it is desirable to restrict access requests from automated agents.

As per claims 2 and 10, the server may allow access to data only to subscribers (see column 14, line 54 to column 15, line 15).

As per claims 4, 11-13, and 24, the server can modify formats, necessitating structural changes, the repositioning of data, and the insertion of new data to conform to the new format (see column 7, lines 15 and 16).

As per claim 5, the correcting of bugs and undesirable effects in documents constitute changes in content (see column 7, lines 10-12).

As per claims 8, 9, and 21, the server can be used to modify forms in HTML documents (see column 8, lines 5-10).

9. Claims 6, 11, 17, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,013 to Mighdoll et al. in view of U.S. Patent No. 6,195,698 to Lillibridge et al. as applied to claims 1 and 8 above, and further in view of U.S. Patent No. 6,334,189 to Granger et al.

Regarding claims 6, 17, and 20, Mingdoll and Lillibridge do not disclose the changing of entire variable names or labels when transcoding.

Granger discloses the changing of variable names (which are labels) in the context of code obfuscation, in order to avoid unnecessarily exposing the algorithms and implementation details to an outside entity (see column 19, lines 29-53).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Mingdoll by adding the changing of variable names, as disclosed by Granger, in order to avoid unnecessarily exposing the algorithms and implementation details to an outside entity.

Regarding claims 11 and 24, Mingdoll discloses the transcoding of both text and images, but does not disclose transformations from text to images.

Lillibridge discloses the transforming of text characters into images, and suggests that this would make it unlikely that an agent could be used as an impostor for a user (see column 5, line 41 to column 6, line 2).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Mingdoll by transforming text characters into graphical equivalents, as disclosed by Lillibridge, in order to make it unlikely that an agent could be used as an impostor for a user.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,013 to Mighdoll et al. in view of U.S. Patent No. 6,195,698 to Lillibridge et al. in view of U.S. Patent No. 6,334,189 to Granger et al. as applied to claim 17 above, and further in view of U.S. Patent No. 6,006,328 to Drake.

Though a variable name in the invention of Mighdoll and Granger may be recalculated, they do not disclose the variable being in a data entry form with a session ID.



Drake discloses a scenario wherein a "login spoof" includes a login form, with session ID, and notes that this secures ID-data (see column 9, lines 3-35).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention Mighdoll and Granger by inserting implementing a login form, as disclosed by Drake, in order to secure ID-data.

### ***Allowable Subject Matter***

11. Claims 14-16 and 25 are allowed.

12. Claims 14-16 are allowed for the same reasons as stated in the previous office action. Claim 25 incorporates subject matter that was previous stated as being allowable.

### ***Response to Arguments***

13. Applicant's arguments filed 5 July 2004 have been fully considered but they are not persuasive.

14. In response to applicant's argument that the inventions disclosed by Mighdoll and Lillibridge do not specifically teach to the problem of Applicant's invention, a recitation of

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the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Firstly, it should be noted that a search engine is a type of web crawler, and any web site that is invisible to a search engine is therefore invisible to a crawler.

Regarding Mighdoll, it is well-known in the art that a web site owner may not want the site to be readable by search engines or crawlers (as noted by Lillibridge, for example). One skilled in the art could therefore be reasonably be expected to treat readability by a crawler as a "quirk," in the event that one was designing a web site that was meant to be inaccessible to such applications. The mechanism disclosed by Mighdoll contains all of the structural details of the claimed invention; moreover, it fully anticipates the rejected claims when used in an application where one is implementing such a web site. The rejections are therefore proper.

Regarding Lillibridge, the pattern being displayed during the riddle in and of itself constitutes content that is accessible to a user, but not a web crawler. The rejections are therefore proper.

Regarding the combining of Mighdoll and Lillibridge, in response to applicant's argument that there is no suggestion to combine the references, the examiner

recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation stated in the rejection is sufficient to establish a prima facie case of obviousness.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

**Any response to this action should be mailed to:**

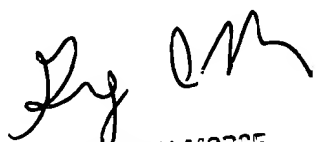
Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY

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January 14, 2005